

In the Matter of:

**PATRICK LUCAS,**

Holder of Pharmacist License

No. 15020 in the State of Arizona

**FINDINGS OF FACT, CONCLUSIONS  
of LAW and BOARD ORDER  
No. 10-0043-PHR**

On May 13, 2010 the Arizona State Board of Pharmacy (“Board”) considered the State’s Motion to Deem Allegations Admitted at the Board of Pharmacy Offices, 1700 W. Washington Street, Room 312, in Phoenix, Arizona. Elizabeth Campbell, Assistant Attorney General, appeared on behalf of the State. Respondent did not appear.

On May 13, 2010 the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1927.01(O) and the Complaint and Notice of Hearing No. 10-0043-PHR filed in this matter, the Board issues the following Findings of Fact and Conclusions of Law, and Order revoking Respondent's license.

## FINDINGS OF FACT

1. Respondent was also licensed as a pharmacist by the State of Ohio. On March 9, 2010, the Ohio Board of Pharmacy issued an order revoking Respondent's Ohio pharmacist license based upon its findings that Respondent illegally processed drug documents and illegally distributed controlled substances into the community. The Ohio Board further found that from September 16, 2008, to August 25, 2009, Respondent forged prescriptions for hydrocodone with acetaminophen 10/325 mg tablets, ibuprofen 800 mg tablets, Nexium 40 mg

1 tablets, promethazine with codeine syrup, Zithromax 250 mg Z-Pak, sertraline 100 mg tablets,  
2 lisinopril 40 mg tablets, alprazolam 2 mg tablets, and carisoprodol 350 mg tablets. A copy of  
3 the Ohio Board's Order is attached hereto and incorporated herein as Exhibit A.  
4

5 2. Hydrocodone with acetaminophen is a Schedule III controlled substance. A.R.S.  
6 § 36-2514(A)(5)(d).

7 3. Promethazine with codeine syrup is a Schedule V controlled substance. A.R.S. §  
8 36-2516(1)(a).

9 4. Alprazolam is a Schedule IV controlled substance as defined in A.R.S. § 36-  
10 2515(A)(2)(a).

11 5. Carisoprodol is a Schedule IV controlled substance. A.R.S. § 36-2515(A)(5)(a).

12 6. Ibuprofen 800 mg, Nexium, sertraline, lisinopril, and Zithromax are prescription-  
13 only drugs.  
14

15 7. Under Arizona law, it is unlawful to make or offer to make a forged, counterfeit,  
16 altered or photocopied prescription or drug order for the purpose of obtaining prescription-  
17 only or controlled substance drugs. A.R.S. § 32-1965(8).

18 8. Under Arizona law, it is unlawful for a person to provide a false prescription for  
19 a controlled substance or knowingly or intentionally acquire or obtain possession of a  
20 controlled substance by means of forgery, fraud, deception or subterfuge, including the forgery  
21 or falsification of prescription or the nondisclosure of a material fact. A.R.S. § 36-2531(E).

22 9. Under Arizona law, a person may not knowingly possess or use a prescription-  
23 only drug unless the person obtains the prescription-only drug pursuant to a valid prescription  
24 of a licensed prescriber. A.R.S. § 13-3406(A)(1).

25 10. Under the Arizona Board of Pharmacy's statutes, grounds for discipline include  
26 violating any federal or state law, rule or regulation relating to the manufacture or distribution  
27  
28  
29

1 of drugs and devices or the practice of pharmacy. A.R.S. §§ 32-1901.01(B)(2) and -1927(A),  
2 (B).

3  
4 11. Under the Arizona Board of Pharmacy's statutes, grounds for discipline include  
5 violating any a federal or state law or administrative rule relating to marijuana, prescription-  
6 only drugs, narcotics, dangerous drugs, controlled substances or precursor chemicals when  
7 determined by the board or by conviction in a federal or state court. A.R.S. §§ 32-  
8 1901.01(B)(10) and -1927(A), (B).

9  
10 **CONCLUSIONS of LAW**

11 1. The Board may discipline a pharmacist who has engaged in unprofessional  
12 conduct. A.R.S. § 32-1927(A)(1).

13 2. The conduct described above in the Findings of Fact constitutes unprofessional  
14 conduct under A.R.S. § 32-1901.01(B)(5) (Denial or discipline of a licensee's license to  
15 practice pharmacy in another jurisdiction and the license was not reinstated).

16 3. The conduct described above in the Findings of Fact constitutes unprofessional  
17 conduct under A.R.S. § 32-1901.01(B)(16) (Committing an offense in another jurisdiction that  
18 if committed in this jurisdiction would be grounds for discipline).  
19

20  
21 **ORDER**

22 In view of the above Findings of Fact and Conclusions of Law, the Board issues the  
23 following Order:  
24

25 Pharmacist license number 15020 issued to Respondent is **REVOKED**. A.R.S. § 32-  
26 1927.01(B)(1).  
27

28  
29 ///

1                                   **RIGHT TO PETITION FOR REHEARING OR REVIEW**

2                   Respondent is hereby notified of the right to petition for a rehearing or review by filing  
3  
4 a petition with the Board's Executive Director within thirty (30) days after service of this  
5 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting  
6 a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of  
7 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five  
8 (35) days after it is mailed to Respondent.  
9


10                  Respondent is further notified that the filing of a motion for rehearing is required to  
11 preserve any rights of appeal to the Superior Court.  
12

13  
14 DATED this 19<sup>th</sup> day of May, 2010.  
15

16                                   **ARIZONA STATE BOARD OF PHARMACY**

17  
18 SEAL

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Hal Wand, R.Ph.  
Executive Director

1 **COPIES** mailed this 27 day of May, 2010

2 By Certified Mail Receipt No. 7009 0820 0000 0094 5628  
3 \_\_\_\_\_

4 to:

5 Patrick Lucas  
6 580 E. Town Street, Apt 118  
7 Columbus, Ohio 43215  
Respondent

8 **COPIES** of the foregoing mailed this 27 day of May, 2010, to:

9 Elizabeth Campbell, Assistant Attorney General

10 and  
11

12 Christopher Munns, Assistant Attorney General, Solicitors Office

13 Both located at  
14 1275 W. Washington  
15 Phoenix, AZ 85007  
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